

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., December 13, 1994.

Members present: Mayor G. Michael Shelton; Vice Mayor Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilwoman Linda Kochendarfer; and Councilman Ronnie C. Rice.

Members absent: Councilman Payton M. Otey and Councilman W. D. Tharp.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV (arrived at 7:53 p.m.); and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton reported that Councilman Otey is in the hospital in the Lynchburg.

Mayor Shelton declared that the minutes of a regular Council meeting held on November 22, 1994, an adjourned Council meeting held on November 29, 1994, and a called Council meeting held on December 2, 1994, were approved as distributed.

Vice Mayor Brookshier asked if the City intends to address Governor George Allen's taxation plan at this time.

The Mayor indicated that the City Manager is to prepare information on the impact on the City's revenues of the tax elimination of the Business and Profession License Tax. Discussion ensued.

The Clerk of Council read aloud the following proposed public hearing notice:

CITY OF BEDFORD

CITY COUNCIL

NOTICE OF PUBLIC HEARING

On December 13, 1994, at 7:30 p.m. in the City Council Chambers, Municipal Building, 215 East Main Street, the City Council of the City of Bedford will hear and consider a request by the Elks National Home that Council adopt a resolution supporting the Home's application to the General Assembly of Virginia for designation of the Home's property in the City of Bedford as exempt from property taxation pursuant to Article X, Section 6(a) (6) of the Constitution of Virginia.

Citizens of the City are invited to attend and will be given an opportunity at this meeting to be heard on the question of whether the requested resolution should be adopted.

The 1994 assessed value of the real and tangible personal property of the Elks National Home located in the City is \$11,944,980. This property is not currently being taxed, but the property taxes that would have been payable in 1993 and 1994 are as follows:

1993: \$86,789.67

1994: \$88,004.75

Mayor Shelton opened the public hearing at 7:42 p.m.

Mr. William P. Pickett, Executive Director of the Elks National Home, asked Council to support the proposed resolution for designation of the Home's property as tax exempt.

As there were no further comments, the Mayor closed the public hearing at 7:43 p.m.

Councilwoman Grahame expressed thanks to Bedford Main Street and the volunteers for organizing the annual Christmas parade.

The consent agenda consisted of the following item: appointment of Barry W. Thompson, Assistant City Manager, to a three-year term on the Regional Disability Services Board, said term to expire October 31, 1997.

Councilman Rice moved that the consent agenda be approved. The motion was seconded by Councilwoman Grahame, voted upon and carried.

The Clerk of Council read aloud the following proposed resolution:

CITY COUNCIL

CITY OF BEDFORD VIRGINIA

December 13, 1994

RESOLUTION

At Bedford, Virginia, on December 13, 1994, at 7:30 p.m. the City Council of the City of Bedford met in public session to consider the request of the Elks National Home, Bedford, Virginia, for adoption of a resolution supporting the Home's application to the Virginia General Assembly for designation of its property as exempt from taxation under Article X, Section 6(a) 6 of the Constitution of Virginia [1971] and Section 58.1-3650 of the Code of Virginia.

Notice of the Council meeting for this purpose has been published in The Bedford Bulletin, a newspaper of general circulation in the City of Bedford, on December 7, 1994, and at the meeting citizens of the City have been given an

opportunity to be heard on the question of whether the requested resolution should be adopted.

After hearing the presentation by the Home of its request and the comments of citizens, examining and considering each of the issues set forth in Section 30-19.04.B., Code of Virginia, with respect to the exemption, and discussing thoroughly the merits of the request and its impact on the City, BE IT HEREBY RESOLVED by the City Council of the City of Bedford:

(1) That it supports the exemption from taxation of the real and tangible personal property of the Elks National Home located in the City of Bedford.

(2) That it recommends to the General Assembly of Virginia that the Home's property be exempted and classified as used for benevolent purposes.

(3) That the 1994 assessed value and property tax (if the property were taxed) of the Home's real and tangible personal property are as follows:

Assessed value	\$11,944,980.00
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Property tax	\$ 88,004.75
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Councilwoman Kochendarfer moved that the resolution be approved. The motion was seconded by Councilwoman Grahame.

Mayor Shelton stated that if this resolution is approved, Council should incorporate this as part of the City's legislative plan and pursue this, along with the representatives of the Elks National Home, through the General Assembly to assure its passage.

The motion was then voted upon and carried by the following roll call vote:

Vice Mayor Brookshier	aye
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Councilwoman Grahame	aye
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Councilwoman Kochendarfer	aye
Councilman Otey	absent
Councilman Rice	aye
Councilman Tharp	absent
Mayor Shelton	aye

City Attorney Berry was not present during the public hearing or vote regarding tax exempt status for the Elks Home nor did he participate in any discussion. The City Attorney had previously announced that he is the attorney for the Board of Grand Trustees of the Benevolent and Protective Order of the Elks of the United States.

City Attorney Berry arrived at 7:52 p.m.

The City Manager stated that Senate Bill 2008, passed by the General Assembly in the July 1994 session, provided for a 3% increase in the monthly retirement allowance for current and future state retirees, retired constitutional officers and their state-funded staff and school board retirees. The bill also provides for a 3% benefit increase for current and future retirees of any political subdivision that elects to provide the benefit for their employees effective October 1, 1994. The estimated incremental cost would be 1.06% of the covered payroll, or approximately \$29,496 based on the current payroll. It would be reflected in the employer contribution rate effective July 1, 1996.

The Clerk of Council read aloud the following proposed resolution:

CITY OF BEDFORD RESOLUTION TO PROVIDE A 3%

BENEFIT INCREASE FOR CURRENT AND FUTURE RETIREES

Be it resolved that the City of Bedford does hereby elect to provide a 3% retirement allowance increase as provided in the Code of Virginia, Section 51.1-130, 51.1-155, 55.1-157 as applicable for its eligible current and future retirees under employer code 5-5364.

Be it also resolved that the City of Bedford agrees to accept all liability for any current or future additional employer contributions and any increases in current or future employer contribution rates resulting from its election to provide the increase in benefits to its current and future retirees.

Be it further resolved that the City of Bedford elects to allow its eligible current and future retirees to receive the benefit increase effective October 1, 1994.

Now, therefore, G. Michael Shelton, Mayor of the City of Bedford, and Teresa W. Hatcher, Clerk of the City Council, are hereby authorized and directed in the name of the City Council to execute any required contract in order that said eligible current

and future retirees of the City of Bedford may participate in the benefit allowance increase as provided for in the Code of Virginia. In execution of any contract which may be required, the seal of the City of Bedford shall be affixed and attested by the Clerk, and said officers of the City of Bedford are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the City of Bedford for this purpose.

Vice Mayor Brookshier moved that the resolution be adopted. The motion was seconded by Councilwoman Kochendarfer, voted upon and carried by the following roll call vote:

Councilwoman Grahame	aye
Councilwoman Kochendarfer	aye
Councilman Otey	absent
Councilman Rice	aye
Councilman Tharp	absent
Vice Mayor Brookshier	aye
Mayor Shelton	aye

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION

WHEREAS Central Virginia Community Services has provided mental health, mental retardation, substance abuse and prevention services to the citizens of the City of Bedford over the course of the past 25 years; and

WHEREAS, during these 25 years, a significant number of Bedford citizens have served as volunteers on the Board of Directors of Central Virginia Community Services, and, by their generous contributions to the work of the agency, have helped disabled citizens lead more independent and productive lives; and

WHEREAS thousands of Bedford citizens have improved the quality of their lives because they received professional services from staff of Central Virginia Community Services; and

WHEREAS the Bedford City Council recognizes the need to provide appropriate

mental health, mental retardation and substance abuse services to the growing number of people with disabilities in our county; and

WHEREAS the Bedford City Council has provided funding for Central Virginia Community Services during the 25 year period of its existence; and

WHEREAS the citizens of Bedford are grateful for the services of the Board and staff of Central Virginia Community Services;

THEREFORE, BE IT RESOLVED, that the Bedford City Council commends the Board of Directors and staff of Central Virginia Community Services for the dedication and service shown toward citizens of Bedford over the past 25 years; and

BE IT FURTHER RESOLVED, that the City Council extends its congratulations and support to the Board of Directors and staff of Central Virginia Community Services as it begins a new quarter century of service to the citizens of Bedford.

Councilwoman Grahame moved that the resolution be adopted. The motion was seconded by Councilman Rice, voted upon and carried by the following roll call vote:

Councilwoman Kochendarfer	aye
Councilman Otey	absent
Councilman Rice	aye
Councilman Tharp	absent
Vice Mayor Brookshier	aye
Councilwoman Grahame	aye
Mayor Shelton	aye

City Manager Gross stated that Council has previously reviewed a draft ordinance which would repeal Article V, Sections 10-29 through 10-45 and reenact Article V, Sections 10-29 through 10-38 of the City Code. The Article deals with junk and junkyards; automobile graveyards; and abandoned and inoperative vehicles. Requested changes were made to the draft. The ordinance has been posted in accordance with Section 2-30 of the City Code.

on by Councilman Rice, seconded by Councilwoman Grahame, voted upon and carried, Council waived the reading of the ordinance regarding abandoned and inoperative vehicles.

Vice Mayor Brookshier moved that the ordinance regarding abandoned and inoperative vehicles be adopted. The motion was seconded by Councilman Rice, voted upon and carried by the following roll call vote:

Councilman Otey	absent
Councilman Rice	aye

Councilman Tharp	absent
Vice Mayor Brookshier	aye
Councilwoman Grahame	aye
Councilwoman Kochendarfer	aye
Mayor Shelton	aye

The ordinance follows as adopted:

ARTICLE V. JUNK AND JUNKYARDS; AUTOMOBILE GRAVEYARDS; ABANDONED AND INOPERATIVE VEHICLES

State law reference - Authority of city to regulate automobile graveyards and junkyards, Code of Virginia, #15.1-28.

Sec. 10-29. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed herein:

Abandoned vehicles: Means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

1. Is inoperable and is left unattended on public property for more than forty-eight hours, or
2. Has remained illegally on public property for more than forty-eight hours, or
3. Has remained for more than forty-eight hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property.

Inoperable abandoned motor vehicle: Means an abandoned motor vehicle which is inoperable and whose fair market value, as determined by the locality's official responsible for assessing motor vehicles under 58.1-3503 of the Code of Virginia, is less than the cost of its restoration to an operable condition.

Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

Junkyard: An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard. The term shall include garbage dumps and

sanitary fills.

Automobile graveyard: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable or being operated, and which it would not be economically practical to make operative, are placed, located or found.

Inoperative Vehicle: (1) Any motor vehicle which is not in operating condition; or (2) which for a period of sixty days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or (3) other essential parts required for operation of the vehicle or (4) on which there are displayed neither valid license plates nor a valid inspection decal.

Sec. 10-30. Junkyards and Automobile Graveyards - Not Allowed.

No person, firm or corporation shall maintain or operate a junkyard or automobile graveyard within the City of Bedford.

Section 10-31. Time limit for keeping of junk, etc., on private property.

No person, firm or corporation shall allow the keeping of, or stripping of, an inoperative vehicle or junk on his property for more than ten (10) days so as to create an eyesore.

Sec. 10-32. Disposal of unclaimed vehicles.

Any abandoned or inoperative abandoned motor vehicle as defined in Section 10-29 may be moved and stored at the request of any police officer for the City of Bedford. Any police officer moving or storing a motor vehicle under this section shall:

1. Within fifteen days, by registered or certified mail, return receipt requested, notify the owner of record of the motor vehicle and all persons having security interests in the vehicle of record, that it has been taken into custody. The notice shall:

a.State the year, make, model and serial number of the motor vehicle:

b.Set forth the location of the facility where it is being held;

c.Their rights to reclaim it within fifteen days after the date of the notice after payment of all towing, preservation, and storage charges resulting from the custody.

d.The notice shall state that failure of the owner or persons having security interests to reclaim the vehicle within the time provided shall constitute a waiver by the owner and all persons having any security interests of all right, title, and interests in the vehicle, and consent to the sale of the

motor vehicle at a public auction.

e.If the Department of Vehicles records contain no address for the owner or persons holding security interests; or their identities cannot be found, notice by publication once in a newspaper of general circulation in the City shall be required.

2. If an abandoned or inoperative abandoned motor vehicle is not reclaimed, the city manager or his designee shall sell it at public auction.

Sec. 10-33. Removal & disposal of unattended or immobile vehicles.

(A) Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten (10) days upon any public property or privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, with the city, or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant thereof, or whenever any motor vehicle, trailer or semitrailer is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadway, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area provided; however, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof. For purposes of this division it shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if (1) it lacks either: (a) a current license plate or (b) a current county, city or town plate or sticker or (c) a valid state inspection certificate or sticker and (2) it has been in a specific location for four (4) days without being moved.

(B) Liability

The person at whose request a motor vehicle, trailer or semitrailer is removed from privately owned property under the provisions of this division shall indemnify the city against any loss or expense incurred by reason of removal, storage or sale thereof.

(C) Notice generally

Each removal of a vehicle under the provisions of this division shall be reported immediately to the chief of police, who shall give notice to the owner of the motor vehicle, trailer or semitrailer as promptly as possible.

(D) Redemption by owner

The owner of any motor vehicle, trailer or semitrailer removed under the provisions of this section, before obtaining possession thereof, shall pay to the city or its agents all reasonable costs incidental to the removal, storage and location of such owner.

(E) Should the owner of a vehicle removed under the provisions of this division fail or

refuse to pay the costs of such removal and storage thereof, or should the identity or whereabouts of such owner be unknown or unascertainable after a diligent search has been made, and after notice to him at his last-known address and to the holder of any lien of record in the office of the state division of motor vehicles, the chief of police after holding the motor vehicle, trailer or semitrailer thirty (30) days and after due notice of sale, dispose of the same at public sale and the proceeds from such sale shall be forwarded by the chief of police to the city collector.

(F) Value less than one hundred fifty dollars

If the value of any motor vehicle, trailer or semitrailer removed under the provisions of this division be determined by three (3) disinterested dealers or garagemen to be less than one hundred fifty dollars (\$150.00) which would be incurred by such advertising and public sale, it may be disposed of by private sale or junked.

Sec. 10-34. Inoperative motor vehicles unlawful.

It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure, on any property within the City of Bedford any motor vehicle, trailer or semitrailer, as defined in Section 46.2-100 of the Code of Virginia, which is inoperative. The provisions of this section shall not apply to a licensed business which on June 26, 1970 was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

The owners of property shall within fifteen (15) days after receiving notification from the Chief of Police or his designee remove therefrom any such inoperative motor vehicles, trailers, or semitrailers that are not kept within a fully enclosed building or structure. If any inoperative motor vehicles, trailers or semitrailers are not removed in accordance to the four day notice, the Chief of Police or his designee may cause the removal of any such inoperative motor vehicle, trailer or semitrailer. After removal, the property or vehicle owner shall receive a thirty (30) day notice to claim the motor vehicle, trailer or semitrailer prior to disposal of such vehicle by the City. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the City as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the City.

Sec. 10-35. Contracts with private persons for removal, etc., of vehicles.

The city manager shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles referred to in this Article. The contracts shall provide for the payment by the city of reasonable charges for the removal and storage of such vehicles, shall require such owners or operators to deliver such vehicles to the owners thereof or to their agents upon demand therefor

upon furnishing satisfactory evidence of identity and ownership or agency, and that the owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity.

**Sec. 10-36. Unlawful trading in junk bearing altered, covered, etc.,
identifying mark; notification of police.**

No person shall knowingly buy, sell, receive, dispose of, conceal or have in his possession any motor vehicle, scrap metals, rags, paper, etc., or accessory, from which the manufacturer's serial number or any other number or identification mark has been removed, defaced, covered, altered or destroyed, for the purpose of concealing or misrepresenting the identity of such vehicle, part or accessory. Every person to whom is offered for sale any motor vehicle, part or accessory from which has been removed, defaced, covered, altered or destroyed the manufacturer's serial number, or any other number or identification mark, shall immediately notify the police of such offer.

Section 10-37. Compliance with zoning, subdivision regulations.

Each person or owner shall be required to comply with zoning, subdivision development and all other city or state ordinances or regulations. (Ord. of 7-9-74)

Section 10-38. Penalty.

Any person, firm or corporation violating any of the provisions of this shall, upon conviction, be found guilty of a Class 3 misdemeanor; and each continuance of such violation shall constitute a separate offense. (Ord. of 7-9-74)

The City Manager stated that the City is in the process of negotiating a renewal of the cable television franchise with Cable Equities of the Virginias, Ltd., d/b/a CableVision. On September 27, 1994, Council adopted a resolution extending the duration of the franchise until December 31, 1994, to allow sufficient time to complete the negotiations. The technical specifications on the proposed rebuild of the system arrived last week and additional time is needed to review those specifications and other details of the final franchise agreement. It is requested that the duration of the franchise be extended until March 31, 1995.

The Clerk of Council read aloud the following proposed resolution:

**RESOLUTION EXTENDING THE DURATION OF
CABLE TELEVISION FRANCHISE**

BE IT RESOLVED by the City Council of the City of Bedford, Virginia:

1. That the duration of the franchise, right and privilege ("Franchise") granted to Cable Equities of the Virginias, Ltd., d/b/a CableVision, to provide cable television service within the City of Bedford shall be and hereby is extended until March 31, 1995, or until such earlier date as a subsequent franchise may be granted to CableVision renewing the Franchise hereby extended.

2. The aforesaid extension of the Franchise is conditioned upon the acceptance by CableVision, to be evidenced by a separate writing, of its continuing duties and obligations under the Franchise as extended for the duration of such extension, and its agreement during such extension to participate and cooperate with the City of Bedford and its representatives and agents in such procedures as may be required for the renewal of cable television franchises under Title VI of the Communications Act of 1934.

3. The City Manager or the Assistant City Manager shall be and hereby are authorized and directed to take such further actions as are necessary or appropriate to further the objectives of the resolution hereby adopted.

Councilwoman Grahame moved that the resolution be approved. The motion was seconded by Councilwoman Kochendarfer, voted upon and carried by the following roll call vote:

Vice Mayor Brookshier	aye
Councilwoman Grahame	aye
Councilwoman Kochendarfer	aye
Councilman Otey	absent
Councilman Rice	aye
Councilman Tharp	absent
Mayor Shelton	aye

Mayor Shelton adjourned the meeting at 8:05 p.m.